IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl.MC.No. 4104 of 2006()

ST.127/2005 of JUDL.MAGISTRATE OF FIRST CLASS-II, KANJIRAPPALLY

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PETITIONER/ACCUSED:

BABU M.A.
SECTION ADA-III,
M.G.UNIVERSITY
GANDHI NAGAR,
KOTTAYAM.

BY ADV. SRI.N.MAHESH

RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. T.D.JOSEPH,
S/O.LATE DOMINIC
THUNDIYIL VEEDU
PONKUNNAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.4104 OF 2006

Dated this the 21st day of December, 2006.

ORDER

The petitioner is the accused in a prosecution under Section 138 of the N.I Act. He had appeared before the learned Magistrate. The trial was over and the case was posted for arguments. The petitioner finds himself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him. He now wants to appear before the learned Magistrate. He must so appear and explain to the learned Magistrate the circumstances under which the petitioner could not earlier appear before the learned Magistrate. The learned Magistrate must pass appropriate orders on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

2. In the result, this Crl.M.C is dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

3. Hand over a copy of this order to the learned counsel for the petitioner today itself.

R.BASANT
JUDGE

rtr/